

IN THE UNDERCOVER POLICING INQUIRY

IN THE MATTER OF AN APPLICATION FOR A RESTRICTION ORDER

BY:

'Ellie'

Core Participant

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APPLICATION FOR A RESTRICTION ORDER

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1. This is an application for a Restriction Order (RO) under section 19 of the Public Inquiries Act 2005 ("the 2005 Act") in relation to 'Ellie'. The application is made following the Chairman's decision to grant 'Ellie's' request for designation as a Core Participant (CP) on 10 May 2017.
2. 'Ellie' has been granted CP status on the basis of her long term sexual relationship with a man she knew as James Straven, who is now known to have been an undercover police officer employed by the Metropolitan Police who posed as an activist. She seeks an RO to ensure that she is not publicly identified. In order to achieve this she seeks a prohibition on publication of any details which might tend to identify her, and the use of an alternative name in connection with any evidence which she gives or which relates to her. The terms of the RO being sought is are annexed to this Application.
3. 'Ellie' submits that there are strong arguments and evidence to justify an RO being made under section 19(3)(a) and (b) of the 2005 Act. These arguments are set out further in the witness statement of Harriet Wistrich attached. In summary:
  - (1) The actions of the police officer whose conduct is the subject of this Inquiry has violated 'Ellie's' privacy in an egregious manner. Publication of her

evidence or the evidence of others which identifies her in the course of describing that invasion of privacy would significantly exacerbate the interference with her rights under Article 8 ECHR, particularly given the high level of media interest.

- (2) It is 'Ellie's' case that sexual offences were committed against her. Section 1 of the Sexual Offences (Amendment) Act 1992 prohibits publication in these circumstances.
- (3) Publication of 'Ellie's' identity is unnecessary in order to achieve any of the aims of the Inquiry.
- (4) A decision not to grant 'Ellie' anonymity could restrict the work of the Inquiry, as it could discourage other people who were deceived into relationships with undercover officers from coming forward to provide evidence to the Inquiry due to concerns about public exposure. This would limit the effectiveness of the Inquiry.

4. For all these reasons, 'Ellie' requests the Chairman to grant the ROs sought.

5. 'Ellie' understands that by para 9 of the 27 January 2016 Ruling the former Chairman invited applications for ROs conferring anonymity. 'Ellie' makes clear that she may be seeking further ROs at the appropriate stage in relation to the way in which she gives her evidence and also in relation to any medical and documentary evidence which she makes available to the UCPI.

11 September 2018